

**FOLEY
HOAG**
ATTORNEYS AT LAW

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December 13, 2001

Box Missing Parts
Assistant Commissioner of Patents
Washington, DC 20231

Re: U.S. Patent Application No: 09/945,166
Entitled: *Targeted Nucleic Acid Constructs and Uses Related Thereto*
Filed: August 31, 2001
By: Elmaleh et al.
Atty Ref: MGA-003.01

Dear Sir:

Enclosed for filing in the above-referenced patent application please find the following:

1. A copy of Notice to File Missing Parts of Nonprovisional Application;
2. Response to Notice to File Missing Parts;
3. Fee Transmittal;
4. Check in the amount of \$681.00 for filing and surcharge fees;
5. Declarations for Patent Application (3 inventors - 6 pages);
6. Paper copy of Sequence Listing;
7. Computer-readable copy of Sequence Listing on diskette;
8. Statement to Support Filing and Submission in Accordance with 37 C.F.R. § 1.821-1.825;
9. Request for Correction of Filing Receipt;
10. Copy of Filing Receipt with corrections noted thereon; and
11. Return receipt postcard.

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

20/484088.1

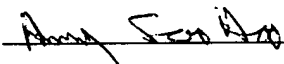
December 13, 2001

Page 2


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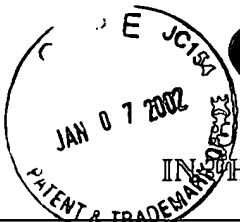
December 13, 2001
Date



Respectfully submitted,
FOLEY, HOAG & ELIOT LLP


Isabelle M. Clauss, Ph.D.
Reg. No. 47,326
Attorney for Applicants
Customer ID No. 25181

#3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elmaleh et al.	Examiner: To be assigned
Serial No: 09/945,166	Art Unit: 1642
Filed: August 31, 2001	Attorney Docket No. MGA-003.01
For: <i>Targeted Nucleic Acid Constructs and Uses Related Thereto</i>	

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Assistant Commissioner for Patents
Washington, D.C. 20231

COPY OF PAPERS
ORIGINALLY FILED

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December 13, 2001	By: <u><i>Amy T. Abo</i></u>
Date of Signature and Mail Deposit	

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:

Enclosed herewith is a response to the Notice to File Missing Parts dated October 15, 2001. In response to the Notice, enclosed is a check in the amount of \$681.00, which includes a small entity filing fee of \$370.00, total additional claim fees of \$246.00 (although the Notice listed the amounts of \$355.00 for the filing fee and \$200.00 for independent claims, the correct amounts are believed to be \$370.00 and \$210.00 respectively), and a surcharge fee of \$65.00. This response also includes the requested executed Declarations and the Sequence Listing with supporting Statement.

No additional fee is believed to be due. If there is any further fee due, or if any refund is owed, please charge/credit our Deposit Account No. 06-1448.

Respectfully submitted,

By: *I. Clauss*
Isabelle M. Clauss, Ph.D.
Reg. No. 47,326
Attorney for Applicants

Patent Group
FOLEY, HOAG & ELIOT, LLP
One Post Office Square
Boston, MA 02109-2170
Telephone: (617) 832-1000
Facsimile: (617) 832-7000
Customer ID No. 25181
Dated: December 13, 2001
20/484096.1

PTO FEE TRANSMITTAL
for FY 2002
 Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 681

Complete if Known

Application Number: 09/945,166
 Filing Date: 8/31/01
 First Named Inventor: Elmaleh et al.
 Examiner Name: Not yet assigned
 Group / Art Unit: 1642
 Attorney Docket No.: MGA-003.01

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 06-1448
 Deposit Account Name: Foley, Hoag & Eliot, LLP

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. **BASIC FILING FEE**

Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 370)

2. **EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
24	-20 ** = 4	X 9 = 36	
Independent Claims: 8	-3 ** = 5	X 42 = 210	
Multiple Dependent: 0		X 140 = 0	

Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 246)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$ 65)

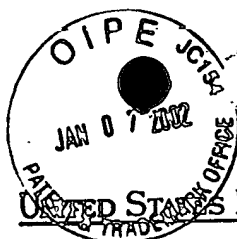
SUBMITTED BY

Name (Print/Type)	Registration No. Attorney/Agent)	Telephone
Isabelle M. Clauss	47,326	617-832-1000
Signature: <i>I. Clauss</i>	Date	12/13/01

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/945,166	08/31/2001	David R. Elmaleh	MGA-003.01

CONFIRMATION NO. 1584

FORMALITIES LETTER



OC000000006910328

25181
FOLEY, HOAG & ELIOT, LLP
PATENT GROUP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

COPY OF PAPER
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Date Mailed: 10/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/11/2002 AGOITOM 00000012 09945166

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:205	65.00 OP
03 FC:203	36.00 OP
04 FC:202	210.00 OP

Filing Date Granted

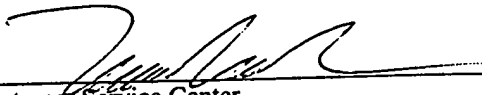
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee for a small entity.
- o Total additional claim fee(s) for this application is \$236.
 - \$36 for 4 total claims over 20.
 - \$200 for 5 independent claims over 3.
- o The oath or declaration is unsigned.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- o The balance due by applicant is \$ 656.
- o This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

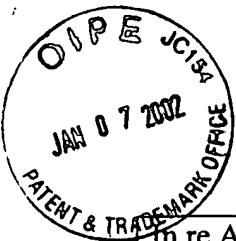
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Receipt-
#1
Box 500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Elmaleh et al.	Examiner: To be assigned
Application No: 09/945,166	Art Unit: 1642
Filed: August 31, 2001	Attorney Docket No: MGA-003.01
For: Targeted Nucleic Acid Constructs and Uses Related Thereto	

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

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<u>December 13, 2001</u>	By: <u>[Signature]</u>
Date of Signature and Mail Deposit	

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

Please make the following correction to the Filing Receipt in the above-identified patent application:

Please change the spelling of the word "nuleic" in the title of the invention to the correct spelling "nucleic".

A copy of the Filing Receipt with the changes noted thereon is submitted herewith.

Should there be any questions concerning this request, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully Submitted,

[Signature]
Isabelle M. Clauss, Ph.D.
Reg. No. 47,326
Tel. (617) 832-1000
Fax. (617) 832-7000

Customer No: **25181**
Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170
Dated: December 13, 2001



JAN 07 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20230
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/945,166	08/31/2001	1642	0.00	MGA-003.01	9	24	8

CONFIRMATION NO. 1584

25181
FOLEY, HOAG & ELIOT, LLP
PATENT GROUP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

FILING RECEIPT



OC000000006910326

COPY OF PAPERS
ORIGINALLY FILED

Date Mailed: 10/15/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David R. Elmaleh, Newton, MA;
Alan J. Fischman, Boston, MA;
John W. Babich, Scituate, MA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 10/12/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

NUCLEIC

Targeted nucleic acid constructs and uses related thereto

Preliminary Class

435

RECEIVED

10/19/01 B.H.

OCT 18 2001

PATENT DEPT.
DOCKETING

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-125); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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